

Exhibit 4

Committee Meeting

of

SENATE ENVIRONMENT AND ENERGY COMMITTEE

“The Committee will receive testimony from invited guests on the issues of chromium-6 in drinking water, and the Department of Environmental Protection's proposed changes to the septic system density standards for the Highlands Region”

The following bills will be considered:

Senate Bill No. 853, Senate Bill No. 1160, Senate Bill No. 2731, Senate Bill No. 2732

Senate Concurrent Resolution 39

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: November 3, 2016
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Bob Smith, Chair
Senator Linda R. Greenstein, Vice Chair
Senator Richard J. Codey
Senator Christopher “Kip” Bateman
Senator Samuel D. Thompson



ALSO PRESENT:

Judith L. Horowitz
Matthew L. Peterson
Office of Legislative Services
Committee Aides

Alison Accettola
Senate Majority
Committee Aide

Rebecca Panitch
Senate Republican
Committee Aide

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

16594



BOB SMITH
Chairman

LINDA R. GREENSTEIN
Vice-Chairwoman

RICHARD J. CODEY
CHRISTOPHER "KIP" BATEMAN
SAMUEL D. THOMPSON

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New Jersey State Legislature

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATE HOUSE ANNEX

PO BOX 068

TRENTON NJ 08625-0068

COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE ENVIRONMENT AND ENERGY COMMITTEE

FROM: SENATOR BOB SMITH, CHAIRMAN

SUBJECT: COMMITTEE MEETING - NOVEMBER 3, 2016

The public may address comments and questions to Judith L. Horowitz or Matthew H. Peterson, Committee Aides, or make bill status and scheduling inquiries to Pamela Petrone, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideSEN@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Senate Environment and Energy Committee will meet on Thursday, November 3, 2016 at 10:00 AM in Committee Room 10, 3rd Floor, State House Annex, Trenton, New Jersey.

The committee will receive testimony from invited guests on the issues of chromium-6 in drinking water and the Department of Environmental Protection's proposed changes to the septic system density standards for the Highlands Region.

The following bill(s) will be considered:

S-853 Stack	Requires local governments and authorities to obtain financing cost estimate required to be provided by NJ Environmental Infrastructure Trust for certain projects.
S-1160 Holzapfel	Provides State income tax credit for removal of lawns near Barnegat Bay.
S-2731 Greenstein/Bateman (pending intro and referral)	Authorizes New Jersey Environmental Infrastructure Trust to expend additional sums to make loans for environmental infrastructure projects in FY2017.

(OVER)

Senate Environment And Energy Committee

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November 3, 2016

S-2732
Codey/Gill
(pending intro and
referral)

Amends list of environmental infrastructure projects approved for long-term funding for FY2017 to include new projects and revise allowable loan amounts for already approved projects.

SCR-39
Smith, B/Greenstein

Amends Constitution to dedicate all State moneys received from settlements and awards in cases of environmental contamination for certain environmental purposes.

Issued 10/27/16

For reasonable accommodation of a disability call the telephone number or fax number above, or for persons with hearing loss dial 711 for NJ Relay. The provision of assistive listening devices requires 24 hours' notice. CART or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, see website <http://www.njleg.state.nj.us> or call 800-792-8630 (toll-free in NJ) or 609-847-3905.

[Second Reprint]

**SENATE CONCURRENT
RESOLUTION No. 39**

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

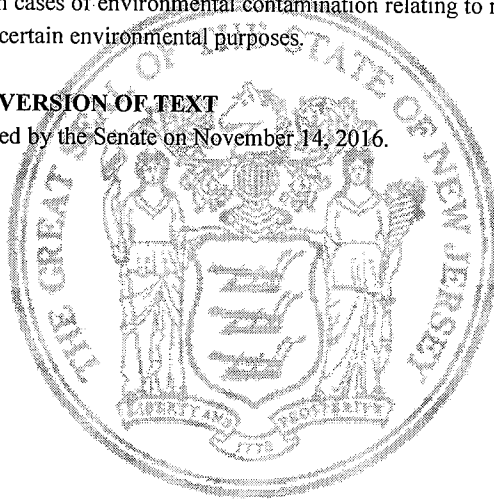
**Senators P.Barnes, III, Codey, Lesniak, Scutari, Vitale, Turner, Weinberg
and Sarlo**

SYNOPSIS

Amends Constitution to dedicate all State moneys received from settlements and awards in cases of environmental contamination relating to natural resource damages for certain environmental purposes.

CURRENT VERSION OF TEXT

As amended by the Senate on November 14, 2016.



SCR39 [2R] B.SMITH, GREENSTEIN

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1 A CONCURRENT RESOLUTION proposing to amend Article VIII,
2 Section II of the Constitution of the State of New Jersey by
3 adding a new paragraph thereto.

4
5 BE IT RESOLVED by the Senate of the State of New Jersey (the
6 General Assembly concurring):

7
8 1. The following proposed amendment to the Constitution of the
9 State of New Jersey is agreed to:

10

11

PROPOSED AMENDMENT

12

13 Amend Article VIII, Section II by adding a new paragraph 9 to
14 read as follows:

15 9. There shall be credited annually to a special account in the
16 General Fund an amount equivalent to the revenue annually derived
17 from all settlements and judicial and administrative awards ²relating to
18 natural resource damages² collected by the State in connection with
19 claims based on environmental contamination.

20 The amount annually credited pursuant to this paragraph shall be
21 dedicated, and shall be appropriated from time to time by the
22 Legislature, ²[only]² for paying for costs incurred by the State to
23 repair '[damage to]', restore, 'or replace damaged or lost natural
24 resources of the State,¹ or permanently protect the '[State's]' natural
25 resources '[, or for any of the purposes enumerated in Article VIII,
26 Section II, paragraph 6 of the State Constitution] of the State'¹,
27 ²[except that no more than five] or for paying the legal or other costs
28 incurred by the State to pursue settlements and judicial and
29 administrative awards relating to natural resource damages. The first
30 priority for the use of any moneys by the State to repair, restore, or
31 replace damaged or lost natural resources of the State, or permanently
32 protect the natural resources of the State, pursuant to this paragraph
33 shall be in the immediate area in which the damage to the natural
34 resources occurred in connection with the claim for which the moneys
35 were recovered. If no reasonable project is available to satisfy the first
36 priority for the use of the moneys, or there are moneys available after
37 satisfying the first priority for their use, the second priority for the use
38 of any moneys by the State to repair, restore, or replace damaged or
39 lost natural resources of the State, or permanently protect the natural
40 resources of the State, pursuant to this paragraph shall be in the same
41 water region in which the damage to the natural resources occurred in
42 connection with the claim for which the moneys were recovered. If no

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted November 3, 2016.

²Senate floor amendments adopted November 14, 2016.

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1 reasonable project is available to satisfy the first or second priority for
2 the use of the moneys, or there are moneys available after satisfying
3 the first or second priority for their use, the moneys may be used by
4 the State to repair, restore, or replace damaged or lost natural resources
5 of the State, or permanently protect the natural resources of the State,
6 pursuant to this paragraph without geographic constraints. Up to 10²
7 percent of the moneys appropriated pursuant to this paragraph may be
8 expended for administrative costs of the State or its departments,
9 agencies, or authorities for the purposes authorized in this paragraph.

10

11 2. When this proposed amendment to the Constitution is finally
12 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
13 shall be submitted to the people at the next general election
14 occurring more than three months after the final agreement and
15 shall be published at least once in at least one newspaper of each
16 county designated by the President of the Senate, the Speaker of the
17 General Assembly and the Secretary of State, not less than three
18 months prior to the general election.

19

20 3. This proposed amendment to the Constitution shall be
21 submitted to the people at that election in the following manner and
22 form:

23

24 There shall be printed on each official ballot to be used at the
25 general election, the following:

26

27 a. In every municipality in which voting machines are not used, a
28 legend which shall immediately precede the question as follows:

29

30 If you favor the proposition printed below make a cross (X), plus
31 (+), or check (✓) in the square opposite the word "Yes." If you are
32 opposed thereto make a cross (X), plus (+) or check (✓) in the square
opposite the word "No."

31

32 b. In every municipality the following question:

33

	YES	<p>CONSTITUTIONAL AMENDMENT DEDICATING MONEYS FROM STATE ENVIRONMENTAL CONTAMINATION CASES</p> <p>Do you approve amending the Constitution to dedicate all moneys collected by the State ²<u>relating to natural resource damages</u>² in cases of contamination of the environment? The moneys would have to be used ²[only]² [for environmental purposes] <u>to repair, restore,</u> <u>replace, or preserve the State's natural</u> <u>resources</u>¹. ²<u>The moneys may also be used to</u> <u>pay legal or other costs incurred by the State</u> <u>in pursuing its claims.</u>²</p>
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		<p>INTERPRETIVE STATEMENT</p> <p>This amendment would dedicate ²<u>all</u>² moneys collected by the State ²<u>relating to natural resource damages</u>² through settlements or awards for legal claims based on environmental contamination. These moneys would be dedicated ¹<u>solely for environmental purposes. These purposes could include preserving, repairing, or restoring</u> <u>to repair, replace, or restore damaged</u>¹ natural resources ², <u>or to preserve the State's natural resources. The moneys would be spent in an area as close as possible to the geographical area in which the damage occurred</u>². ²<u>They</u> The moneys² ¹<u>may</u> <u>could</u>¹ also ¹<u>include cleaning contaminated sites and underground storage tank sites, funding water quality programs, or preserving open space, farmland, or historic buildings or sites</u> <u>be used</u> ²<u>to preserve the State's natural resources</u>¹ <u>to pay for the State's legal or other costs in pursuing the claims</u>². Currently, these moneys may be used for any State purpose.</p>
	NO	

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STATEMENT TO
[First Reprint]
SENATE CONCURRENT RESOLUTION No. 39

with Senate Floor Amendments
(Proposed by Senator SMITH)

ADOPTED: NOVEMBER 14, 2016

These floor amendments would limit the dedication of moneys derived from all settlements and judicial and administrative awards collected by the State in connection with claims based on environmental contamination to only those moneys collected relating to natural resource damages. In addition, the amendments would authorize the use of the dedicated moneys to pay the legal or other costs incurred by the State to pursue settlements and judicial and administrative awards relating to natural resource damages.

The amendments would prioritize, in the following order, the use of the dedicated moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or to permanently protect the natural resources of the State, in connection with the claim for which the money was recovered: (1) in the immediate area in which the damage to the natural resources occurred; or (2) in the same water region in which the damage to the natural resources occurred. If no reasonable project is available to satisfy the first or second priority for the use of the moneys, or if there are moneys available after satisfying the first or second priority, moneys may be used by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, without geographic constraints.

Finally, the amendments increase the amount of dedicated moneys that may be used to pay for related administrative costs from five to 10 percent of the moneys appropriated pursuant to the paragraph.

SENATOR SMITH: We love to read stuff. (laughter) So please, send in your cards and letters.

Now, I have to apologize to the chromium-6 -- the hexavalent chromium people. We're just not going to be able to do it today, but we'll schedule it for the next hearing because we really want to get started on that issue and get some basic information.

Our last item today is -- if I can find my agenda -- SCR-39.

Now, Senator Bateman is the co-prime, I believe. Or no?

Senator Greenstein is the co-prime, and I think Senator Bateman is the sponsor.

SENATOR BATEMAN: Yes.

SENATOR SMITH: Okay.

So this last Bill deals with Natural Resource Damage claims and what should be done with the proceeds. And we've had two very difficult situations in the last three years: one with the Exxon settlement, one with the Passaic River settlement. And I don't think anybody is happy about how any of that ended up.

So what you have here is the start of the process to do a constitutional amendment to say that Natural Resource Damages should be used for environmental purposes. Now, those environmental purposes, to the extent possible -- you want to clean up whatever the natural resource damage is; maybe secondly, you want to apply the damage money to related purposes for that watershed; and you also may want to use it for other environmental purposes, depending on the size of the proceeds, the nature of the claim, etc.